

Message Text

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ACTION EUR-25

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TO SECSTATE WASHDC 2824

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UNCLAS USNATO 5643

E.O. 11652: N/A

TAGS: MCAP NATO

SUBJECT: INTERNATIONAL COMPETITIVE BIDDING PROCEDURES-COMPARISON OF BIDS WITHOUT TAXES AND DUTIES

REFS: A. USNATO 5196

B. STATE 216275

C. USNATO 3764

D. STATE 176522

BEGIN SUMMARY. REF A REPORTED ON INFRASTRUCTURE COMMITTEE'S PROPOSAL ON SUBJECT PROCEDURES. PROPOSAL HAS NOW BEEN MODIFIED AS RESULT OF POSITIONS EXPRESSED BY NATIONS. END SUMMARY.

1. BID COMPARISON CLAUSES TO BE INCORPORATED IN THE FINAL VERSION OF THE ICB PROCEDURES REPORTED UPON IN REF C AND CONCURRED IN BY REF D:

QUOTE 1. BIDS WILL BE COMPARED ON A TAX EXCLUSIVE BASIS.

2. TO ACHIEVE THIS, ALL BIDS WILL BE CERTIFIED AS NOT INCLUDING ANY IDENTIFIABLE TAXES. IDENTIFIABLE TAXES ARE DEFINED AS HOST NATION VAT, CUSTOMS/IMPORT DUTIES AND SUCH OTHER TAXES AS MAY BE SPECIFIED BY HOST NATION LEGISLATION.
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3. HOWEVER, WHERE HOST NATIONS DO NOT EXEMPT NATO INFRASTRUCTURE WORKS FROM TAXATION AND DUTIES AND THE TAXES AND DUTIES ARE CHARGED AND COLLECTED BUT BORNE BY THE HOST NATION, CONTRACTORS WILL, IF SO REQUIRED, ADD TO THEIR BASIC

BID THE TAXES AND DITUES THEY EXPECT TO BE LEVIED, IT BEING
UNDERSTOOD THAT CONTRACT AWARD WOULD BE MADE ON THE BASIS OF
THE PRINCIPLE OF BID COMPARISON SET FORTH IN PARAGRAPH 1 ABOVE
UNQUOTE.

2. BEING CONSISTENT WITH REF A CONCURRED IN BY REF B,
MISSION AGREES PROCEDURES QUOTED IN PARA 1 ABOVE FOR INCORPORATING
INTO AC/4-D/2261 (REVISED) (ALL NATIONS AGREE EXCEPT ITALY,
WHICH RESERVES).
RUMSFELD

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<< END OF DOCUMENT >>

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